



October 21, 2003-CPC  
November 25, 2003 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

04SN0116

Swift Creek Partners, LLC

Matoaca Magisterial District  
Woolridge Elementary School; Swift Creek Middle School;  
and Clover Hill High School zones  
South line of Woolridge Road

**REQUEST:** Rezoning from Agricultural (A) to Residential (R-12) of 18.7 acres with Conditional Use to permit private recreational facilities on 9.0 acres of the 18.7-acre site.

**PROPOSED LAND USE:**

A single family residential subdivision with a maximum of thirty-seven (37) lots is planned, yielding a density of approximately 2.0 dwelling units per acre. In addition, recreation facilities to serve residents of the proposed development are planned.

**PLANNING COMMISSION RECOMMENDATION**

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 10.

AYES: MESSRS. LITTON, CUNNINGHAM AND STACK.

NAY: MR. GULLEY.

ABSENT: MR. GECKER.

**STAFF RECOMMENDATION**

Recommend approval for the following reasons:

- A. The proposed zoning and land use conform to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less.

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- B. The proposed zoning and land use are representative of existing and anticipated area development.
- C. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: THE ONLY CONDITION THAT CAN BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

#### PROFFERED CONDITIONS

- (STAFF/CPC) 1. A maximum of 37 lots shall be permitted. (P)
- (STAFF/CPC) 2. The public water and wastewater systems shall be used. (U)
- (STAFF/CPC) 3. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- (STAFF/CPC) 4. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way on the south side of Woolridge Road, measured from the centerline of that part of Woolridge Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- (STAFF/CPC) 5. Direct access from the property to Woolridge Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)

(STAFF/CPC)

6. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
  - a. Construction of additional pavement along Woolridge Road at the public road intersection to provide left and right turn lanes, based on Transportation Department standards;
  - b. Construction of a three (3) lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes) for the public road at its intersection with Woolridge Road. The exact length of this improvement shall be approved by the Transportation Department;
  - c. Construction of two (2) lanes of the public road as a residential collector street from Woolridge Road to the southern property line;
  - d. Widening/improving the south side of Woolridge Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage; and
  - e. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. Provided, however, in the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in 6.a., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and only be required to provide required road improvements within available right-of-way as determined by the Transportation Department. (T)

(STAFF/CPC)

7. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 6, shall be submitted to and approved by the Transportation Department. (T)

- (STAFF/CPC) 8. The exposed surfaces of the foundations of each dwelling shall be covered with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)
- (STAFF/CPC) 9. All dwellings shall have a minimum gross floor area of 2,500 square feet. (P)
- (STAFF/CPC) 10. A fifty (50) foot buffer required in accordance with the Subdivision Ordinance along Woolridge Road shall be located within recorded open space. (P)
- (STAFF/CPC) 11. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit:
- a. \$9,000 per lot, if paid prior to July 1, 2003; or
  - b. The amount approved by the Board of Supervisors not to exceed \$9000.00 per lot adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003; and
  - c. In the event the cash payment is not used for the purpose for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
- (STAFF/CPC) 12. All lots shall have a minimum area of 15,000 square feet. (P)
- (STAFF/CPC) 13. Recreational Facilities. Any recreational facilities shall be subject to the following restrictions:
- a. There shall be no outside public address systems or speakers.
  - b. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
  - c. Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where

adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

- d. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
- e. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.
- f. Exterior lighting for recreational uses shall comply with Section 19-573 of the Zoning Ordinance, and the maximum height for light posts shall not exceed twenty (20) feet.
- g. The location of all active recreational uses shall be identified in conjunction with the submittal of the first tentative subdivision plan.
- h. In conjunction with the recordation of any lot adjacent to active recreational area(s), such area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions. (P)

(STAFF/CPC)

14. The developer shall notify the last known representative of the Foxcroft Homeowners Association on file with the Planning Department of the submission of tentative subdivision plans. Such notice shall occur at least twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with a copy of the notice. (P)

(STAFF/CPC)

15. Public roads, other than the residential collector street, shall be constructed with concrete curb and gutter. (EE)

(STAFF/CPC)

16. All dwellings will have side or rear loaded garages. (P)

(STAFF/CPC)

17. At a minimum, the following restrictive covenants shall be recorded for the development:

Architectural Board - The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and the open space, if any, appurtenant thereto on all property. It shall prepare and, on behalf of the Board of Directors, shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures, and landscaping requirements. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Association, and the Architectural Board shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall initially consist of three (3) members, all appointed by the Declarant. At such times as fifty percent (50%) of all property within subject property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors of the Association shall have the right to appoint a maximum of two (2) additional members. At no time shall the Architectural Board have fewer than three members nor more than five (5) members. At such time as one hundred percent (100%) of all property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, the Board of Directors shall appoint all members of the Architectural Board. The declarant may, at his option, delegate to the Board of Directors its right to appoint one or more members of the Architectural Board. At all times, at least one (1) member of the Architectural Board shall be a member of the Association, and at least one (1) member shall be an architect licensed to practice in the State of Virginia, who shall also be the Chairperson.

Mailboxes - Every improved lot shall be required to have a mailbox with supporting post and street light of design and installation as specified in the standards. Each lot owner shall be responsible for the maintenance and operation of the fixture, support, and mailbox.

Parking - Each property owner shall provide space for the parking of automobiles off public streets prior to the occupancy of any building or structure constructed on said property in accordance with the standards.

Signs - No signs shall be erected or maintained on any property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as provided for in the standards or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be erected without the written permission of the Declarant or the Association.

Condition of Ground - It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on such property which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage - No plan required under these Covenants will be approved unless the proposed house or structure has a minimum square footage of enclosed dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term "enclosed dwelling area" as used in these minimum size requirements does not include garages, terraces, decks, open porches, and the like areas.

Residential Use -

- a. All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached private garage, provided the use of such accessory building does not overcrowd the side and provided further that such building is not used for any activity normally conducted as business. Such accessory building may not be constructed prior to the construction of the main building.
- b. A guest suite or like facility without a kitchen may be included as part of the main dwelling or accessory building, but such suite may not be rented or leased

except as part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.

- c. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Structure Completion - The exterior of all house and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to the strikes, fires, national emergency, or natural calamities. Houses and other dwelling structures may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction the owner of the lot shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.

Screened Areas - Each lot owner shall provide a screened area to serve as a service yard and an area in which garbage receptacles, fuel tanks or similar storage receptacles, electric and gas meters, air conditioning equipment, clotheslines, and other unsightly objects much be placed or stored in order to conceal them from view from the road and adjacent properties. Plans for such screened area delineating the size, design, texture, appearance, and location must be approved by the Architectural Board prior to construction. Garbage receptacles and fuel tanks may be located outside of such screened area only if located underground.

Vehicle Storage - No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any lot at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they are not generally visible from adjacent properties.

Temporary Structures - No structure of a temporary character shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not at any time be used as residences or permitted to remain on the lot after completion of construction. The design and color of structures



temporarily placed on the lot by a contractor shall be subject to reasonable aesthetic control by the Architectural Board.

Antennas - No television antenna, radio receiver or sender, or other similar device shall be attached to or installed on the exterior portion of any building or structure or any lot except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Association for permission to install a television antenna and such permission shall not be unreasonably withheld.

Further Subdivision - No lot shall be subdivided or its boundary lines changed, nor shall applications for same be made to Chesterfield County, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns the right to replat any lot or lots owned by it and shown on the plat of any subdivision in order to create a modified building lot or a replatted lot suitable and fit as a building site including, but not limited to, the recreational facilities, and other amenities to conform to the new boundaries of said replatted lots, provided that no lot originally shown on a recorded plat is reduced to a size smaller than the smallest lot shown on the first plat of the paragraph shall not prohibit the combining of two (2) or more continuous lots into one (1) larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.

Animals - Only common household pet animals shall be permitted. All pet animals must be secured by a leash or lead, or be under the control of a responsible person and obedient to that person's command at any time they are permitted outside a residence or other enclosed area upon a lot approved by the Architectural Board for the maintenance and confinement of pet animals. No livestock including cattle, horses, sheep, goats, pigs, or poultry shall be permitted upon any lot. After giving a lot owner written notice of complaint and reasonable opportunity to remedy the situation, the Board of Directors may order the removal of any pet which has been a nuisance or a danger.

Motor Bikes All Terrain Vehicles - No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common area, lots, or roads (unless properly licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting - No external lighting shall be installed or utilized on any property which is of such character, intensity, or location as to interfere with the use, enjoyment, and privacy of any lot or owner in the near vicinity. No neon or flashing lights shall be permitted. All external lighting shall be approved by the Architectural Board as appropriate in size, location, color, and intensity.

Swimming Pools - No swimming pool, whether in ground or above ground, whether permanent or temporary, shall be installed upon any lot without the prior written consent of the Architectural Board. The Architectural Board shall require that all swimming pools be adequately screened.

Rules and Regulations - The Board of Directors is granted and shall have the power to promulgate rules and regulations, from time to time, governing the use of and activity upon the Common Area and the Recreational Facilities (if the Recreational Facilities are owned or leased by the Association). All rules and regulations promulgated by the Board of Directors shall be published and distributed to each member of the Association at least thirty (30) days prior to their effective date. (P)

#### GENERAL INFORMATION

Location:

South line of Woolridge Road, west of Fox Club Road. Tax ID 712-676-4582 (Sheet 15).

Existing Zoning:

A

Size:

18.7 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North - R-15 and A; Single family residential, church or vacant

South and West - A; Single family residential or vacant

East - R-12 and A; Single family residential or vacant

## UTILITIES

### Public Water System:

There is a twenty (20) inch water line that terminates adjacent to Woolridge Road and Fox Club Lane, approximately 1,600 feet east of this site. The request site is within the boundaries of the Upper Swift Creek Plan which recommends use of the public water system. Use of the public water system is intended and has been proffered. (Proffered Condition 2)

### Public Wastewater System:

There is an eighteen (18) inch wastewater trunk line that extends along a portion of the west branch of Swift Creek and terminates adjacent to Foxcroft Subdivision, approximately 2,800 feet southeast of this site. The request site is within the boundaries of the Upper Swift Creek Plan which recommends use of the public wastewater system. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 2)

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains south and then via tributaries to Swift Creek Reservoir. There are no existing or anticipated on- or off-site drainage or erosion problems. The property is wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department (Proffered Condition 3). This will insure adequate erosion control measures are in place prior to any timbering.

### Water Quality:

The Board of Supervisors has approved the implementation of the Upper Swift Creek Watershed Master Plan establishing a pro-rata fee for the management of phosphorus loads associated with stormwater runoff. It should be noted the developer must pay a pro-rata fee for the Upper Swift Creek Regional BMP Master Plan and a \$100 fee per residential lot for BMP maintenance for development of this property.

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

### Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for

construction by 2015 in the Plan. Based on thirty-seven (37) dwelling units, this request will generate approximately nine (9) calls for fire and EMS services each year. The applicant has offered measures to assist in addressing the impact of this proposed development on fire service. (Proffered Condition 11)

The Clover Hill Fire/Rescue Station, Company Number 7, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

#### Schools:

Approximately twenty (20) students will be generated by this development. This site lies in the Woolridge Elementary School attendance zone: capacity - 759, enrollment - 825; Swift Creek Middle School zone: capacity - 1,027, enrollment - 1,436; and Clover Hill High School zone: capacity - 1,582, enrollment - 2,030.

This development will have an impact on all schools involved. There are currently three (3) trailers at Woolridge Elementary; eight (8) trailers at Swift Creek Middle; and seventeen (17) trailers at Clover Hill High. Two (2) new high schools, proposed to be built by 2006, would replace Clover Hill High School and relieve Manchester High School. The applicant has offered measures to assist in addressing the impact of this development on school facilities. (Proffered Condition 11)

#### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Even if the facility improvements that have been made since the Public Facilities Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

The proposed development will most likely impact the Clover Hill Library or a proposed new facility in the Genito Road area. The Public Facilities Plan identifies a need for additional library space in these areas of the County. The applicant has offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 11)

#### Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations.

The applicant has offered measures to assist in addressing the impact of this development on parks and recreation facilities. (Proffered Condition 11)

Transportation:

The property, approximately nineteen (19) acres, is currently zoned agricultural (A) and the applicant is requesting rezoning to Residential (R-12). The applicant has proffered that a maximum of thirty-seven (37) lots will be developed on the property (Proffered Condition 1). Based on single family trip rates, development could generate approximately 360 average daily trips. These vehicles will be distributed along Woolridge Road which had a 2002 traffic count of 1,121 vehicles per day between Otterdale Road and Fox Club Parkway, a 2001 traffic count of 2,508 vehicles per day between Fox Club Parkway and Timber Bluff Parkway, and a 2001 traffic count of 7,942 vehicles per day between Timber Bluff Parkway and Genito Road.

The Thoroughfare Plan identifies Woolridge Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of Woolridge Road, in accordance with that Plan. (Proffered Condition 4)

Access to major arterials, such as Woolridge Road, should be controlled. The applicant has proffered that direct access to Woolridge Road will be limited to one (1) public road (the "Public Road") (Proffered Condition 5). A tentative subdivision plan (Foxfield Subdivision) has been approved for a parcel on the north side of Woolridge Road, directly across from the subject property. The approved tentative shows a proposed residential collector street (Swift Fox Road) extending from Woolridge Road through part of that planned subdivision. The Public Road intersection onto Woolridge Road should align the proposed Swift Fox Road.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct left and right turn lanes along Woolridge Road at the Public Road intersection, based on Transportation Department standards; 2) construct two (2) lanes of the Public Road as a residential collector street (i.e., "no lot frontage" road) from Woolridge Road to the southern property line; 3) construct a three (3) lane typical section (i.e., one (1) entering lane and two (2) exiting lanes) for the Public Road at its intersection with Woolridge Road; and 4) widen the south side of Woolridge Road to a total travel way width of eleven (11) feet measured from the centerline with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder for the entire property frontage. (Proffered Condition 6)

Constructing the turn lanes along Woolridge Road may require the developer to acquire some "off-site" right of way. According to Proffered Condition 6.e., if the developer is unable to acquire the off-site right of way for the turn lanes along Woolridge Road, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to

assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way and will only be obligated to construct road improvements within available right of way.

The Thoroughfare Plan identifies the need to improve existing roads, as well as construct new roads to accommodate growth. Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Woolridge Road will be directly impacted by this development. Sections of Woolridge Road between Otterdale Road and Fox Club Parkway have eighteen (18) to nineteen (19) foot wide pavement with no shoulders. The capacity of this road is acceptable (Level of Service C) for the volume of traffic it currently carries. The standard typical section for this section of Woolridge Road should be twenty-four (24) foot wide pavement with minimum eight (8) foot wide shoulders. Sections of Woolridge Road between Timber Bluff Parkway and Genito Road have eighteen (18) to twenty-one (21) foot wide pavement with no shoulders. The section of Woolridge Road across the Swift Creek Reservoir is not in the State highway system and is the responsibility of the County. Based on the current volume of traffic during peak hours, Woolridge Road is at capacity (Level of Service E). This section of Woolridge Road should be improved to a four (4) lane divided roadway. No road improvement projects in this area of the County are included in the Secondary Road Six-Year Improvement Plan. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating this traffic impact. (Proffered Condition 11)

At time of tentative subdivision review, specific recommendations will be provided regarding access and the internal road network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	37*	1.00
Population Increase	100.64	2.72
Number of New Students		
Elementary	8.88	0.24
Middle	4.81	0.13
High	6.29	0.17
TOTAL	19.98	0.54
Net Cost for Schools	179,339	4,847
Net Cost for Parks	25,641	693
Net Cost for Libraries	13,875	375
Net Cost for Fire Stations	14,837	401
Average Net Cost for Roads	152,033	4,109
TOTAL NET COST	385,725	10,425

\*Based on a proffered maximum number of lots. (Proffered Condition 1)

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities (Proffered Condition 12). Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential uses at a density of 2.0 dwelling units per acre or less.

### Area Development Trends:

Adjacent property to the north is zoned Residential (R-15) and Agricultural (A) and is occupied by single family residences, a church use or remains vacant. Adjacent property to southeast and west is zoned Residential (R-12) and Agricultural (A) and is occupied by single family residential use or is vacant. Residential development, at densities consistent with the Plan, is expected to continue in the area. It should be noted, zoning action is pending on adjacent property to the south and southeast (Case 02SN0259). Case 02SN0259 is scheduled to be considered by the Board of Supervisors at their November 25, 2003, public hearing.

### Development Standards:

The applicant has proffered a maximum of thirty-seven (37) lots on 18.7 acres, yielding a density of approximately 2.0 dwelling units per acre, consistent with the Upper Swift Creek Plan which suggests a density of 2.0 units per acre or less (Proffered Condition 1). In addition, the applicant has agreed to a minimum lot size of 15,000 square feet. (Proffered Condition 12)

Other restrictions include foundation treatment; notice of tentative subdivision plan submission; use of curb and gutter on public roads; orientation of garages; and restrictive covenants. (Proffered Conditions 8, 14, 15, 16 and 17)

### Buffers:

The Subdivision Ordinance requires that a fifty (50) foot buffer be maintained along Woolridge Road. The Ordinance would allow this buffer to be included within the boundaries of individual lots. It has been staff's experience that individual homeowners tend to clear these areas resulting in a zoning violation on that individual lot and affecting the integrity of the buffer. To preserve the integrity of this buffer, the applicant has proffered that the area will be provided in open space, thereby becoming the responsibility of a homeowners' association. (Proffered Condition 10)

### Dwelling Size:

The applicant has submitted a proffered condition which requires a minimum gross floor area of 2,500 square feet for all dwelling units. (Proffered Condition 9)

### Recreational Use:

This proposal would allow up to nine (9) acres within the development to be used for private recreation facilities. The applicant has offered measures to minimize the impact of these facilities on future residents in the development (Proffered Condition 13). This proffer is similar to conditions imposed on other projects approved for such use.



## CONCLUSIONS

The proposed zoning and land use conform to the Upper Swift Creek Plan which suggests the property is appropriate for residential use of 2.0 units per acre or less and are representative of existing and anticipated development. In addition, the proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, staff recommends approval of this request.

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## CASE HISTORY

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### Planning Commission Meeting (10/21/03):

The applicant accepted the recommendation. There was opposition present. Concerns were expressed relative to lack of sufficient notification to and meetings with area property owners; extension of Fox Club Parkway with an adjacent pending case; linking this case with the adjacent pending case (03SN0259); area road conditions; impacts on water quality of Swift Creek Reservoir; lack of a regional BMP plan; school capacity; and that the County's estimated averages for number of school children per dwelling unit is lower than the average generated by homes in this area of the County; and the age of Upper Swift Creek Plan.

It was noted that by current policy, silt basins will be required to remain until construction of regional BMPs. Mr. Gulley indicated that silt basins are not required to meet 0.22 lbs/ac/yr and that nothing in the law supersedes this requirement. He noted there are no regional BMPs; no plan; and no application for installation of the regional BMPs. He stated the request could have a detrimental effect on the reservoir. He noted he did not support the adjacent case and, due to water quality concerns, he could not support this request.

Mr. Stack indicated the applicant and area property owners should get together and communicate. He noted, the big issue with the adjacent case is the road connection to Foxcroft. He stated moving this case forward gives the Board an option for alternate access when the adjacent case is considered.

Mr. Litton noted this request gives the Board an opportunity to look at access for this development as well as for the pending adjacent case.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 10.

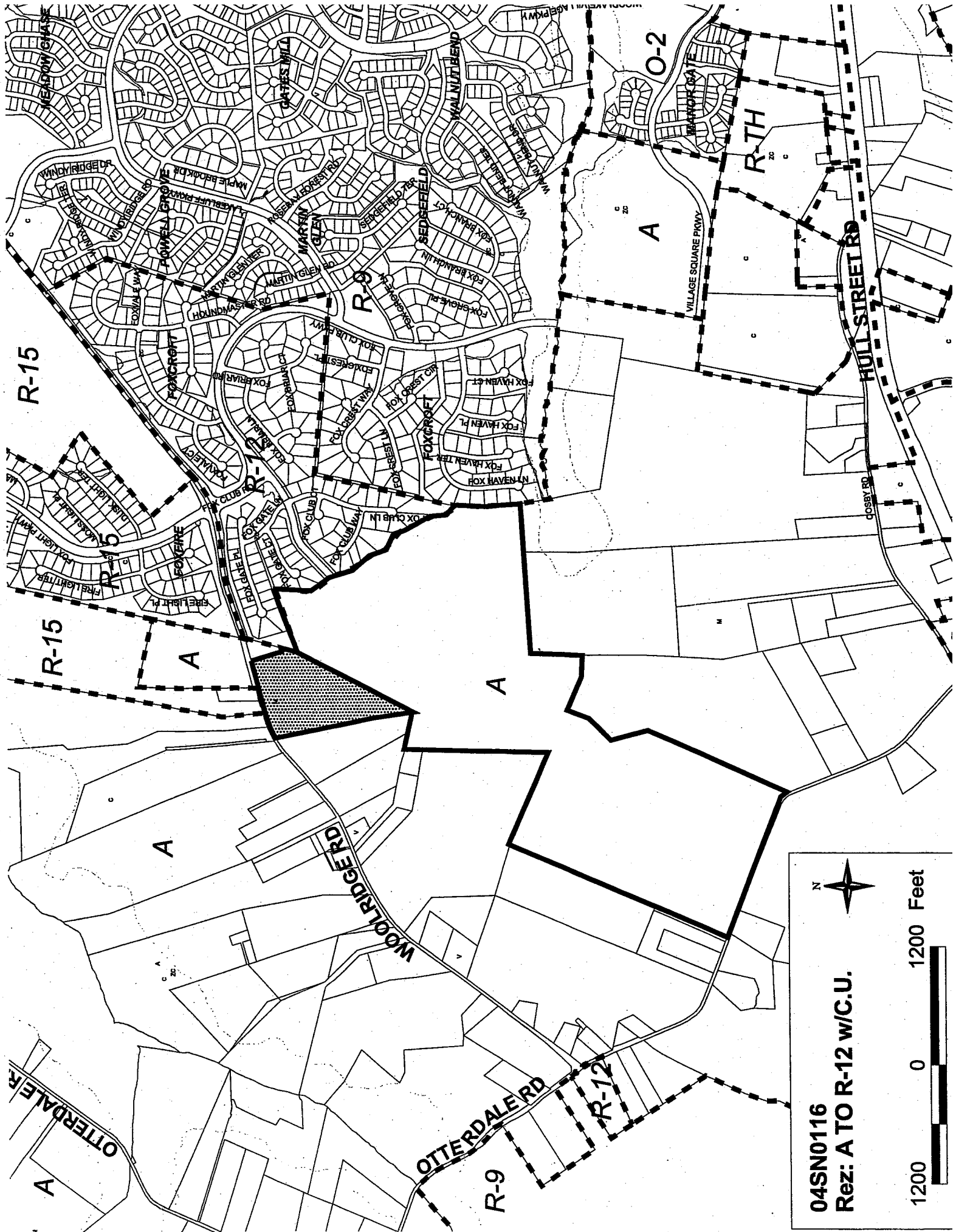
AYES: Messrs. Litton, Cunningham and Stack.

NAY: Mr. Gulley.

ABSENT: Mr. Gecker.

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The Board of Supervisors, on Tuesday, November 25, 2003, beginning at 7:00 p.m., will take under consideration this request.



04SN0116  
Rez: A TO R-12 w/C.U.

